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Attorney Docket No. 21486-047

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Jack R. Wands et al.  
**SERIAL NUMBER:** 09/872,968 **EXAMINER:** Thaian N. Ton  
**FILING DATE:** June 1, 2001 **ART UNIT:** 1632  
**FOR:** INHIBITION OF NEURODEGENERATION

December 22, 2003  
Boston, Massachusetts

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified application:

- ☒ Response to Notice of Non-Compliant Amendment Under 37 CFR §§ 1.121 (1 pg);
- ☒ Copy of Notice of Non-Compliant Amendment Under 37 CFR §§ 1.121 (1 pg);
- ☒ Supplemental Amendment and Response (9 pgs);
- ☒ Return Postcard.

The Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 21486-047). A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

*Ingrid A. Beattie*

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Dated: December 22, 2003

**CUSTOMER NO: 30623**



UNITED STATES PATENT AND TRADEMARK OFFICE

09/842968

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

amendment document filed on 12/3/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).**

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Original, Currently Amended, Canceled, New  
Withdrawn, Previously Presented, or Not Entered

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

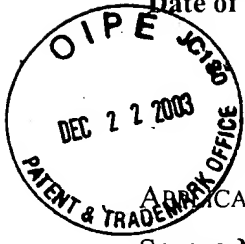
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**SUPPLEMENTAL AMENDMENT**

In response to the Notice of Non-Compliant Amendment mailed on December 15, 2003 and in further response to the Office Action mailed on November 18, 2002, Applicants file the present Supplemental Amendment. A response to the Notice of Non-Compliant Amendment is due on or before January 15, 2004.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.